ORDINANCE NO. 2005-13

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING CITY CODE CHAPTER 8 (BUSINESS REGULATIONS) BY ADDING ARTICLE 8-2 (BUSINESS REGISTRATION); PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PART OF ORDINANCES OR CODE PROVISIONS IN CONFLICT THEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA:

Section 1: Amendment of Chapter 8 to Include Business Registration

Chapter 8 of the Sedona City Code is hereby amended by adding the following provisions as Article 8-2:

Article 8-2 Business Registration

Section 8-2-1 Registration Required

A. It is unlawful for any person to carry on business within the city without having procured registration from the city and complying with any and all regulations of such business specified in this chapter.

B. A registration obtained under this section is not evidence or proof that the business has complied with the provisions of this chapter or other provisions of the Sedona City Code, nor shall the granting of a registration limit the prosecution by the city of any violations of law.

Section 8-2-2 Contents of Application Form

The application forms supplied by the city shall include, but not be limited to, the following questions:
1. Business or trade name;
2. Address of business headquarters;
3. Location of business within the city;
4. Business mailing address;
5. Business owner;
6. Applicant's name; street address;
7. Business telephone number;
8. Exact nature of business;
9. Number of employees;

10. Locations where the business has operated or applicant has operated business during the last five years.

Section 8-2-3 Issuance of Registration

A. Application for a business shall be made to the City Clerk's office and shall be made on forms furnished by the city, either hardcopy or online via the City website. Every application shall be accompanied by an application fee, in the initial amount of $25 for the first business and $5.00 for each additional business. The form and contents may be modified by the City to better compile data for economic forecasting and emergency response.

B. It shall be the duty of the City Clerk to prepare and to issue a registration under this chapter for every business, to state in each registration the period of time covered, the name of the person, and the location of the business establishment. Registrations are valid for a period of one (1) year after issuance. It will be the responsibility of the business to renew the registration within 30 days of expiration, and to contact the City Clerk in the event any of the information on the registration changes.

C. No registration to conduct any business or occupation in the city, which is regulated and/or licensed under any provision of the Arizona Revised Statutes, shall be issued until and unless a state license has been obtained therefore. It shall be the duty of every applicant to furnish written proof of compliance with any applicable state licensing regulations to the administrator.

D. No registration shall be issued until the appropriate fee has been paid. If all required information is supplied and it does not appear that any applicable state law or city ordinance will be violated by the operation of the business, the registration shall be issued.

Section 8-2-4 Suspension, Revocation, or Denial of Registration

A business registration issued under this section may be suspended or revoked at any time during the term of such registration, or the application may be denied if the administrator determines that a business registration or an employee of the registered business has:

1. Has failed to provide complete and accurate information on the applications required by this chapter;
2. Has knowingly provided false information on the applications required by this chapter, including providing a false or assumed name, or impersonating another establishment of a like or different name;

B. The provisions of this section are in addition to any grounds for denial, suspension or revocation set forth in other sections of the city code.

Section 2: Application Form and FAQs

The application form for registration of the business, and frequently asked questions (FAQs) to be distributed to the public, are incorporated herein as Exhibits A and B respectively. The form and FAQs may be modified by the City Manager's Office from time-to-time to meet the needs of the city to maintain accurate business records for health and safety, economic forecasts and development, and coordination with Department of Revenue sales tax license information.

Section 3: Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section 4: Repeal

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section 5. Enforcement.

Violations of this article 8-2 shall be prosecuted through the issuance of a civil citation pursuant to Article 1-8.E of the City Code, as amended, for a first offense. Subsequent offenses by the same business or owner(s) may be prosecuted as Class 1 misdemeanors pursuant to Article 1-8.A. In the case of willful violations or refusal of a business to complete the registration, the City may also elect to suspend or not accept applications for zoning amendments or other matters under the Land Development Code, deny grant applications under a City funding program, or other cooperative activities.

Section 6: Effective Date

The provisions of this ordinance take effect beginning January 31, 2006.

PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona this 11th day of October, 2005.

_____
Pud Colquitt, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney